

REMARKS**Status of Claims**

Claims 1-16 are pending after entry of this paper. Claims 4 and 8-16 have been withdrawn without prejudice. Applicant reserves the right to pursue the withdrawn claim in a divisional or continuing application.

In order to expedite prosecution without disclaimer of, or prejudice to, the subject matter recited in the instant application, the applicant has amended claims 5-6 placing the claims in proper claim format in view of the elected subject matter and/or to comply with the rules for multiple dependant claims. Support may be found throughout the instant specification and claims as filed.

Reconsideration and withdrawal of the pending restriction requirement in view of the above claim amendments and below remarks are respectfully requested.

The applicant wishes to thank the Examiner for her time in clarifying, in a phone conversation with Brandon Schurter on November 28, 2008, that the recitation of "claim 10" in the Office Action was an inadvertent error and that the claim should have been identified as "claim 4". Accordingly, the applicant has withdrawn claim 4 based on this conversation.

Response to Restriction Requirement under 35 U.S.C. §121

In the Official Action, restriction under 35 U.S.C. §121 is required to one of the following two groups of inventions:

Group I: Claims 1-7 drawn to a transgenic animal model comprising a regucalcin gene, which is overexpressed.

Group II: Claims 8-16 drawn to a method for screening a therapeutic drug comprising administering a test substance to the hyperlipemia and/or hyperalbuminemia animal model before it reaches the stage of senility and measuring the amount of lipid and/or albumin after it reaches the stage of senility.

The Examiner further notes that if Group I is elected, a species restriction is further required under 35 U.S.C. §§ 121 and 372, wherein a species election must correspond to an elected group as indicated above. The Examiner alleges that there are transgenic animal models comprising a regucalcin gene comprising different symptoms having different chemical structures, physical properties, and biological functions as a results of containing expressed genes. Specifically, the Examiner alleges the presence of two species 1) at the stage of senility, exhibiting symptoms of hyperlipemia and/or hyperalbuminemia, and 2) at the stage of senility exhibiting symptoms of bone disorder as recited in claims 10 and 11 (See, Office Action, pages 4-5).

In response to the Restriction Requirement, the applicant elects to prosecute **Group I** (i.e., claims 1-7 drawn to a transgenic animal model comprising a regucalcin gene, which is overexpressed) and further elects **“at the stage of senility, exhibiting symptoms of hyperlipemia and/or hyperalbuminemia” as the species.**

Entry and consideration of the amendments are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, the applicants respectfully request reconsideration and withdrawal of the election requirement of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4439-4042.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4439-4042.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 30, 2007

By: _____



Brandon T. Schurter
Registration No. 59,668

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700
(212) 415-8701

Telephone
Facsimile